

HOUSE BILL NO. 210

INTRODUCED BY M. PHILLIPS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO RESIDENT AND NONRESIDENT CONSERVATION AND FISHING LICENSES; ALLOWING RESIDENT VETERANS TO FISH AND HUNT GAME BIRDS WITH A CONSERVATION LICENSE; ALLOWING CERTAIN NONRESIDENT VETERANS TO FISH WITH A CONSERVATION LICENSE; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 87-2-801 AND 87-2-803, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-2-801, MCA, is amended to read:

"87-2-801. Residents over sixty-two years of age -- resident or nonresident legion of valor members -- nonresident purple heart awardees -- resident veterans. (1) A resident, as defined in 87-2-102, who is 62 years of age or older is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the department. The form of the license must be prescribed by the department.

(2) A resident who is 62 years of age or older is also entitled to purchase a Class A-3 deer A tag for \$10 and a Class A-5 elk tag for \$12.

(3) Regardless of age, a resident, as defined in 87-2-102, or a nonresident who is a legion of valor member is entitled to fish with a conservation license issued by the department.

~~(4) Regardless of age, a resident, as defined in 87-2-102, who has been awarded a purple heart for service in the armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the department.~~

~~(5)(4) Regardless of age, a nonresident who has been awarded a purple heart for service in the armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the department during expeditions arranged for the nonresident by a nonprofit organization that uses fishing and hunting as part of the rehabilitation of disabled veterans.~~

(5) Regardless of age, a resident, as defined in 87-2-102, is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the department if that person is:

(a) an honorably discharged veteran and can provide the department with a copy of the veteran's DD

1 form 214; or

2 (b) a veteran who meets the conditions of 87-2-803(12).

3 (6) The department's general license account must be reimbursed by a quarterly transfer of funds from
4 the general fund to the general license account for license costs associated with the fishing and game bird
5 hunting privileges granted pursuant to subsections (3), (4), and (5) during the preceding calendar quarter.
6 Reimbursement costs must be designated as license revenue."

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8 **Section 2.** Section 87-2-803, MCA, is amended to read:

9 **"87-2-803. Persons with disabilities -- service members -- definitions.** (1) (a) Persons with
10 disabilities are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if
11 they are:

12 (i) residents of Montana not residing in an institution and are certified as disabled as prescribed by
13 departmental rule; or

14 (ii) nonresident veterans certified as disabled as prescribed by department rule.

15 (b) A person who has purchased a conservation license and a resident fishing license or game bird
16 license for a particular license year and who is subsequently certified as disabled is entitled to a refund for the
17 fishing license or game bird license previously purchased for that license year.

18 (c) A person who is certified as disabled pursuant to subsection (3) and who was issued a permit to hunt
19 from a vehicle for license year 2000 or a subsequent license year is automatically entitled to a permit to hunt from
20 a vehicle for subsequent license years if the criteria for obtaining a permit does not change.

21 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an
22 institution may purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8. A person who has
23 purchased a conservation license and a resident deer license or resident elk license for a particular license year
24 and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously
25 purchased and reissuance of the license for that license year at the rate established in this subsection.

26 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,
27 on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to
28 subsection (9).

29 (4) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection
30 (4) as a permitholder, may hunt by shooting a firearm from:

1 (i) the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in 61-1-101, except a
2 state or federal highway;

3 (ii) within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way
4 in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway,
5 where hunting is permitted; or

6 (iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is permitted
7 and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway vehicle or
8 snowmobile is marked as described in subsection (4)(d) of this section.

9 (b) This subsection (4) does not allow a permitholder to shoot across the roadway of any public highway
10 or to hunt on private property without permission of the landowner.

11 (c) A permitholder must have a companion to assist in immediately dressing any killed game animal. The
12 companion may also assist the permitholder by hunting a game animal that has been wounded by the
13 permitholder when the permitholder is unable to pursue and kill the wounded game animal.

14 (d) Any vehicle from which a permitholder is hunting must be conspicuously marked with an
15 orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle,
16 or as prescribed by the department.

17 (5) A veteran who meets the qualifications in subsection (9) as a result of a combat-connected injury may
18 apply at a fish, wildlife, and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7
19 deer A tag, a Class B-8 deer B tag, and a special antelope license at one-half the license fee. Fifty licenses of
20 each license type must be made available annually. Licenses issued to veterans under this part do not count
21 against the number of special antelope licenses reserved for people with permanent disabilities, as provided in
22 87-2-706.

23 (6) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined
24 in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of \$10. The
25 license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department
26 rule. An applicant for a license under this subsection need not obtain a wildlife conservation license as a
27 prerequisite to licensure.

28 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
29 be issued regular resident deer and elk licenses, in the manner provided in subsection (2) of this section, and
30 must be accompanied by a companion, as provided in subsection (4)(c) of this section.

(7) The department shall adopt rules to establish the qualifications that a person must meet to be a companion and may adopt rules to establish when a companion can be a designated shooter for a disabled person.

(8) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers to a person experiencing a condition medically determined to be permanent and substantial and resulting in significant impairment of the person's functional ability.

(9) A person is entitled to a permit to hunt from a vehicle if the person:

(a) is certified by a licensed physician, an advanced practice registered nurse, or a licensed physician assistant to be dependent on an oxygen device or dependent on a wheelchair, crutch, or cane for mobility;

(b) is an amputee above the wrist or ankle; or

(c) is certified by a licensed physician, an advanced practice registered nurse, or a licensed physician assistant to be unable to walk, unassisted, 600 yards over rough and broken ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25 pounds.

(10) Certification by a licensed physician, an advanced practice registered nurse, or a licensed physician assistant under subsection (9) must be on a form provided by the department.

(11) The department or a person who disagrees with a determination of disability or eligibility for a permit to hunt from a vehicle may request a review by the board of medical examiners pursuant to 37-3-203.

(12) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the state, upon request and upon presentation of the documentation described in subsection (12)(b), must be issued a free resident wildlife conservation license or a Class AAA resident combination sports license, which may not include a bear license, upon payment of the resident hunting access enhancement fee provided for in 87-2-202(3)(c), in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election. A member who participated in a contingency operation after September 11, 2001, that required the member to serve at least 2 months outside of the state may make an election in 2007 or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election and be entitled to a free resident wildlife conservation license or a free Class AAA resident combination sports license in the year of election and in any of the 4 years after the member's election.

(b) To be eligible for the free resident wildlife conservation license or free Class AAA resident combination sports license provided for in subsection (12)(a), an applicant shall, in addition to the written application and proof of residency required in 87-2-202(1), provide to any regional department office or to the department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's release or discharge from active duty. The applicant is responsible for providing documentation showing that the applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

~~(c) A Montana resident who meets the service qualifications of subsection (12)(a) and the documentation required in subsection (12)(b) is entitled to a free Class A resident fishing license in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in any of the 4 years after the member's election.~~

~~(d)(c)~~ The department's general license account must be reimbursed by a quarterly transfer of funds from the general fund to the general license account for costs associated with the free licenses granted pursuant to this subsection (12) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue."

NEW SECTION. Section 3. Effective date. [This act] is effective March 1, 2010.

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